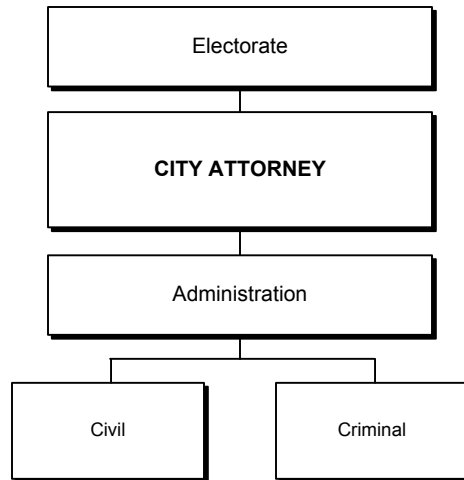


CITY ATTORNEY







Mission Statement

In 1931, City of San Diego voters adopted a ballot measure creating an independently elected City Attorney. As a result of their decision, these voters changed the role of the City Attorney from an appointee to an elected official who is charged with protecting the interests of all San Diegans.

The City Attorney's Office serves the citizens of San Diego as both its misdemeanor prosecutor and its chief legal advisor. In the former role, the City Attorney's Office, along with the Police Department and the Fire Department, works to safeguard the public by bringing misdemeanants to justice. Crimes prosecuted by the Office include violations of City, county, and State laws occurring within the City of San Diego. In the latter role, the Office provides legal guidance to the Mayor and City Council, Council Committees, City Manager, and City Departments.

Department Description

The Office is divided into three divisions--Civil, Criminal, and Administration. The primary operations of the Office are established in the City Charter (Section 40 and 40.1) and carried out in Criminal and Civil Divisions.

- The Criminal Division provides prosecution of misdemeanor criminal offenders and proactive community-based public safety initiatives.
- The Civil Division provides legal advice to every level of City government, files lawsuits on behalf of the City, and defends lawsuits brought against the City.

The City Attorney's Office is staffed with professional, civic minded public servants. Attorneys, investigators, advocates, secretaries, legal assistants, and support staff work in highly effective teams to serve the City and the people of the State of California. The San Diego City Attorney's Office has been recognized at the local, state, and national levels for innovation, excellence, and measurable results related to efficiency, effectiveness, and public safety.

Division/Major Program Description

Administration

The Administration Division, which reports directly to the City Attorney, provides support services for the

City Attorney

Division/Major Program Description

Administration (continued)

Office of the City Attorney. These services include management of personnel and human resources, financial and budgetary issues, and information and communications systems. All of these functions are essential to the effectiveness and efficiency of the day-to-day operations of the Office.

Civil

The Civil Division is led by an Assistant City Attorney who oversees division management, an Assistant City Attorney who is in charge of litigation, and an Assistant City Attorney who supervises advisory services. All of these lawyers report directly to the City Attorney. The Civil Division's primary focus is protecting the interests of the citizens of San Diego by providing the best legal advice possible to the Mayor and City Council, to Council committees, and to City departments. In addition the Civil Division provides ongoing legal guidance and support to City Council committees, the Planning Commission, the Housing Authority, and the Redevelopment Agency. The Division is divided into sections that specialize in rendering services regarding Real Property, Public Works, and Business and Government. Civil Division Deputy City Attorneys advise on subjects relating to labor and pension concerns, construction agreements and contracts entered into for City public works projects, and the acquisition, use, and regulation of City funds. The Litigation section of the Civil Division defends the City on a wide variety of legal matters, including employment, police, and land use issues and recoups City funds in plaintiff actions.

Criminal

The Criminal Division, which is led by an Assistant City Attorney reporting directly to the City Attorney, prosecutes misdemeanor offenses committed within the City of San Diego. These misdemeanors include driving under the influence of alcohol or drugs, child abuse, domestic violence, thefts, sex offenses, gang violence, quality-of-life crimes, zoning and building code violations, and consumer and environmental crimes. Prosecutors in the Screening and Arraignment, Neighborhood Prosecution, Trial, and Appellate Units handle the majority of the cases reviewed each year. Prosecutors are also assigned to one of the specialized units--Consumer and Environmental Protection, Code Enforcement, Child Abuse, and Domestic Violence. The Criminal Division ensures that people who break the law receive appropriate punishment and rehabilitation.

Service Efforts and Accomplishments

The Office of the City Attorney is proud to share with the people of San Diego a year-end review of its work, which includes the following highlights of Fiscal Year 2005:

Criminal Division

- The Criminal Division filed 35,000 cases submitted by the San Diego Police Department and other law enforcement agencies.
- Added the Public Integrity Unit, staffed by an experienced Attorney and a seasoned investigator to prosecute public corruption and campaign finance violations.
- The Consumer Environmental and Protection Unit successfully prosecuted numerous cases: 13 storm water violations, 22 illegal dumping and hazardous waste disposal situations, 12 identity thefts and filed more than 125 cases.
- The Neighborhood Prosecution Unit prosecutors work in 25 neighborhoods with the Police Department, other agencies, and community members to combat quality of life crimes. Approximately 2,500 Homeless Court cases were processed.
- The San Diego Traffic Offender Program, in partnership with the Police Department, initiated and provided oversight in the forfeiture of more than 125 vehicles from suspended, revoked, and unlicensed drivers.
- The Code Enforcement Unit's joint venture with Neighborhood Code Compliance Department and the Police Department resulted in a strong enforcement program that holds "water thieves" accountable.
- The Drug Abuse Response Team moved out of the Code Enforcement Unit in order to better focus and augment its ability to address the increasing problems with gangs and narcotics dealing.
- The Domestic Violence Unit is now handling sex crimes and is coordinating with Sexual Assault Felony Enforcement to prosecute sex offender registration violations.

Civil Division

- Established a Finance and Disclosure Team, to position the City at the forefront nationwide in reviewing and providing disclosures on securities offerings.
- Civil Advisory Division attorneys assisted the City by drafting more than 100 pieces of new legislation, including: Tenants Right to Know: Legislation to limit a landlord's ability to evict long-term tenants without just cause; Condominium Conversions: Amendments to City land use regulations to include condominium conversions in the City's mandate for inclusionary affordable housing and to require relocation payments to qualifying tenants; Lead Hazard Prevention and Control: Regulations designed to protect children from the hazards associated with peeling lead-based paint; Ballpark Residential Parking: Regulations to provide parking relief for residents of the ballpark area; and Brush Management: Revision of the City's brush management regulations in the wake of the 2003 fires.
- Part of the legal support provided is the drafting of legal memoranda on important issues facing the City including: Counting of votes for write-in candidates; SPSP/401k Trustee Board responsibility regarding investment funds; Disclosure of official calendars under the Public Records Act; Applicability of prevailing wage laws to City projects; and the federal proposal to permit the City to donate the Mt. Soledad Memorial property to the federal government.

Department Support

- Civil Advisory Deputies provided legal review on more than 900 individual matters requiring City Council action and day-to-day legal support on thousands of other matters, including: Implementation of the City Parking Task Force recommendations; Implementation by the Storm Water Division of the \$2,843,317 Prop13 Coastal Nonpoint Source Pollution Control Grant for the Chollas Creek Restoration Project; Working with airports to enhance FAA funding and to support their operations; Issuance of Multi-family Housing Revenue Bonds to facilitate the development of more affordable housing units in the City; and Updating City Council policy for Maintenance Assessment District formation to assist communities with start-up costs.

City Attorney

Future Outlook

At the beginning of 2005, in an effort to provide better service to and protection of crime victims, the general trial division, which handles the majority of the cases issued by the Criminal Division, transitioned to a vertical prosecution unit. Each deputy now has several weeks, rather than several hours, to talk to victims and witnesses, conduct expanded investigations, and prepare motions and trial briefs. Also, in an effort to better address both increasing gang problems and issues unique to each neighborhood, the Division hopes to expand the neighborhood prosecution unit and the Drug Abatement Response Team (DART) unit. Finally, the Criminal Division is in the process of developing an officer stand-by policy in an effort to save taxpayer money resulting in unnecessary overtime and to allow on-duty officers to remain at work until summoned to court.

The City Attorney's Office will be expanding its Civil Division work load to focus on cost recovery for the City with the goal of making the Civil Division as self-sufficient as possible. The Civil Division will also continue to provide early review, advice, and assistance to City departments.

Budget Dollars at Work

- \$4,090,539 Recovered by the Public Works Unit construction litigation and mediations
- \$1.3 Million civil enforcement penalties obtained
- \$600,000 in Civil costs obtained with \$118,000 paid directly to the City
- \$339,000 Obtained in consumer fraud victim restitution
- \$305,881 Received in grant awards
- \$144,530 Obtained in fines and penalties of code enforcement cases both civilly and criminally
- \$105,109 Obtained in Workers' Compensation Appeals Board Credits
- \$64,000 in third party recovery by Workers' Compensation Claims
- \$13,000 Reimbursed to the City in investigative costs incurred
- \$12,100 in victim restitution secured by the Dispute Resolution Deputy
- 45,092 Misdemeanor cases reviewed with charges filed in 34,772 cases
- 8,700 Cases of suspended, revoked, or unlicensed drivers processed
- 6,059 Cases of driving under the influence processed
- 3,500 Domestic violence cases reviewed with 1,663 cases issued
- 2,685 Charges issued in felony cases that were rejected by the District Attorney
- 143 Child abuse cases processed with 102 cases issued

City Attorney					
	FY 2004 BUDGET		FY 2005 BUDGET		FY 2006 FINAL
					FY 2005-2006 CHANGE
Positions	322.94		323.11		3.00
Personnel Expense	\$	26,951,965	\$	30,879,208	\$ 32,786,325
Non-Personnel Expense	\$	2,099,912	\$	1,214,119	\$ 1,395,820
TOTAL	\$	29,051,877	\$	32,093,327	\$ 34,182,145

City Attorney

Department Staffing

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
GENERAL FUND			
City Attorney			
Case Inquiry	0.00	6.00	6.00
Case Origination	100.90	40.25	41.25
Case Resolution	0.00	46.00	46.00
Code Enforcement	14.92	15.92	15.72
Consumer & Environ Protection	13.74	13.98	13.88
Dom Violence & Child Abuse	23.29	25.70	22.10
Employment Services	17.80	19.23	19.23
Information Systems	4.00	6.00	6.00
Leadership	2.00	2.00	2.00
Neighborhood Prosecution	0.00	5.00	5.00
Public Policy	4.33	6.40	6.40
Public Works	43.74	45.63	45.63
Real Property	23.10	24.12	24.12
Support Services	24.13	19.00	18.90
Trial Unit	50.99	47.88	53.88
Total	322.94	323.11	326.11

Department Expenditures

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
GENERAL FUND			
City Attorney			
Case Inquiry	\$ -	\$ 312,762	\$ 341,666
Case Origination	\$ 7,546,243	\$ 3,033,236	\$ 2,792,820
Case Resolution	\$ -	\$ 4,226,469	\$ 4,681,775
Code Enforcement	\$ 1,397,983	\$ 1,702,943	\$ 1,738,217
Consumer & Environ Protection	\$ 1,241,513	\$ 1,422,008	\$ 1,451,574
Dom Violence & Child Abuse	\$ 1,896,330	\$ 2,344,212	\$ 2,058,437
Employment Services	\$ 1,688,554	\$ 2,078,228	\$ 2,068,638
Information Systems	\$ 1,567,432	\$ 1,090,159	\$ 1,221,166
Leadership	\$ 464,185	\$ 475,446	\$ 525,750
Neighborhood Prosecution	\$ -	\$ 636,294	\$ 705,556
Public Policy	\$ 487,338	\$ 737,016	\$ 880,415
Public Works	\$ 3,899,660	\$ 4,544,526	\$ 4,813,302
Real Property	\$ 2,057,547	\$ 2,492,209	\$ 2,577,325
Support Services	\$ 2,061,158	\$ 2,051,914	\$ 2,121,540
Trial Unit	\$ 4,743,934	\$ 4,945,905	\$ 6,203,964
Total	\$ 29,051,877	\$ 32,093,327	\$ 34,182,145

City Attorney

Significant Budget Adjustments

GENERAL FUND

City Attorney	Positions	Cost
Salary and Benefit Adjustments	0.00 \$	3,112,778
Adjustments to reflect the annualization of the Fiscal Year 2005 negotiated salary compensation schedule, changes to average salaries, retirement contributions, and retiree health contributions. Position adjustments, if applicable, reflect the City Manager's restructuring of Executive Team assignments.		
Staffing for the Plaintiff Litigation, DNA Testing and Ethics Commission Offset	7.00 \$	894,047
Staffing for the Plaintiff Litigation Program that will focus on monetary recovery on behalf of the City of San Diego. Staff includes 3.00 Deputy City Attorneys, 1.00 City Attorney Investigator, 1.00 Legal Assistant, and 1.00 Legal Secretary. Program expense is completely offset by associated revenue.		
Staffing of 1.00 Clerical Assistant II for DNA test reporting as required by Proposition 69 for all misdemeanor offenders with a prior felony conviction.		
Support for the Disclosure Practice Working Group	0.00 \$	250,000
These proposed enhancements to the City Attorney, City Auditor and Comptroller, City Manager's Office, City Treasurer, and Financial Management Department proposed non-personnel budgets are consistent with the recommended procedures and changes to the Municipal Code contained in the City of San Diego's Disclosures Ordinance, approved on September 28, 2004. Specific positions, responsibilities, and impacts on these departments are still being evaluated.		
Support for Information Technology	0.00 \$	61,241
Funding is allocated according to a zero based annual review of information technology funding requirements and priority analyses.		
Non-Discretionary	0.00 \$	36,227
Adjustments to reflect expenses that are determined outside of the Department's direct control. Examples of these adjustments include utilities, insurance, and rent.		
Reduction of 1.00 Deputy City Attorney Position	(1.00) \$	(211,734)
Reduction of 1.00 Deputy City Attorney position to enable the Ethics Commission to obtain independent legal counsel, as approved by voters in the November 2004 election by the passage of Proposition E. This was proposed as a "cost-neutral" transaction, requiring a reduction to the City Attorney's budget to enable the addition to the Ethics Commission budget with no fiscal impact.		

Significant Budget Adjustments

GENERAL FUND

City Attorney	Positions	Cost
Transfer of Staffing to the Family Justice Center	(4.00) \$	(446,080)
Transfer of staffing to the Family Justice Center.		
Reduction of Personnel Expense	0.00 \$	(1,607,661)
Reduction equaling five percent of the City Attorney's Fiscal Year 2005 Annual Budget as proposed by the City Manager in order to achieve a balanced Fiscal Year 2006 General Fund Budget.		

Expenditures by Category

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
PERSONNEL			
Salaries & Wages	\$ 19,934,654	\$ 22,036,779	\$ 22,226,851
Fringe Benefits	\$ 7,017,311	\$ 8,842,429	\$ 10,559,474
SUBTOTAL PERSONNEL	\$ 26,951,965	\$ 30,879,208	\$ 32,786,325
NON-PERSONNEL			
Supplies & Services	\$ 748,846	\$ 511,167	\$ 534,652
Information Technology	\$ 1,019,831	\$ 490,668	\$ 605,261
Energy/Utilities	\$ 278,020	\$ 159,766	\$ 173,989
Equipment Outlay	\$ 53,215	\$ 52,518	\$ 81,918
SUBTOTAL NON-PERSONNEL	\$ 2,099,912	\$ 1,214,119	\$ 1,395,820
TOTAL	\$ 29,051,877	\$ 32,093,327	\$ 34,182,145

Revenues by Category

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
GENERAL FUND			
Licenses and Permits	\$ 2,000	\$ 2,000	\$ 2,000
Fines, Forfeitures, and Penalties	\$ -	\$ 750,000	\$ 1,650,000
Charges for Current Services	\$ 6,059,196	\$ 6,362,550	\$ 6,362,550
Transfers from Other Funds	\$ 6,000	\$ -	\$ -
TOTAL	\$ 6,067,196	\$ 7,114,550	\$ 8,014,550

City Attorney

Key Performance Measures

	FY 2004 BUDGET	FY 2005 BUDGET	FY 2006 FINAL
Average cost per misdemeanor case tracked	\$199	\$193	\$174
Average cost per case tracked by the Child Abuse and Domestic Violence Unit	\$527	\$651	\$609
City Attorney civil litigation cost per \$100 of private attorney cost	\$42.00	\$48.00	\$42.00

Salary Schedule

GENERAL FUND

City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2005 Positions</i>	<i>FY 2006 Positions</i>	<i>Salary</i>	<i>Total</i>
1104	Account Clerk	1.00	1.00	\$ 36,329	\$ 36,329
1105	Administrative Aide I	2.00	2.00	\$ 42,443	\$ 84,886
1106	Sr Management Analyst	1.00	1.00	\$ 68,677	\$ 68,677
1132	Asst Management Analyst	2.00	1.00	\$ 51,280	\$ 51,280
1147	Principal Legal Assistant	1.00	1.00	\$ 73,271	\$ 73,271
1218	Assoc Management Analyst	3.00	2.00	\$ 61,400	\$ 122,800
1236	Auto Messenger	1.00	1.00	\$ 29,407	\$ 29,407
1348	Info Systems Analyst II	1.00	1.00	\$ 62,220	\$ 62,220
1349	Info Systems Analyst III	1.00	1.00	\$ 68,822	\$ 68,822
1386	Court Support Clerk I	11.00	11.00	\$ 36,414	\$ 400,557
1388	Court Support Clerk II	10.00	10.00	\$ 38,212	\$ 382,120
1401	Info Systems Technician	2.00	2.00	\$ 49,116	\$ 98,231
1402	Document Input Clerk-Terminal	2.00	2.00	\$ 36,137	\$ 72,274
1415	Dispute Resolution Officer	1.00	1.00	\$ 62,535	\$ 62,535
1535	Clerical Assistant II	22.50	23.50	\$ 33,827	\$ 794,935
1577	Legal Secretary	35.20	35.20	\$ 49,286	\$ 1,734,863
1596	City Attorney Investigator	19.92	20.92	\$ 67,332	\$ 1,408,589
1598	Legal Assistant	19.37	20.37	\$ 60,448	\$ 1,231,328
1614	Org Effectiveness Specialist II	1.00	1.00	\$ 62,633	\$ 62,633
1648	Payroll Specialist II	1.00	1.00	\$ 39,930	\$ 39,930
1726	Principal Clerk	1.00	1.00	\$ 50,318	\$ 50,318
1728	Principal Atty Investigator	1.00	1.00	\$ 81,480	\$ 81,480
1746	Word Processing Operator	13.00	13.00	\$ 36,284	\$ 471,689
1776	Public Information Clerk	1.00	1.00	\$ 36,160	\$ 36,160
1820	Sr Legal Secretary	10.00	10.00	\$ 55,541	\$ 555,412
1822	Sr Legal Assistant	5.00	5.00	\$ 66,667	\$ 333,335
1867	Librarian III	1.00	1.00	\$ 64,390	\$ 64,390
1879	Sr Clerk/Typist	7.00	7.00	\$ 41,523	\$ 290,659
1885	Sr Attorney Investigator	6.00	6.00	\$ 74,164	\$ 444,981
1983	Victim Services Coordinator	3.00	3.00	\$ 41,179	\$ 123,537

City Attorney

Salary Schedule

GENERAL FUND

City Attorney

<i>Class</i>	<i>Position Title</i>	<i>FY 2005 Positions</i>	<i>FY 2006 Positions</i>		<i>Salary</i>		<i>Total</i>
2001	City Attorney	1.00	1.00	\$	194,312	\$	194,312
2106	Asst City Attorney	5.00	4.00	\$	176,638	\$	706,550
2151	Deputy City Attorney	128.12	131.12	\$	97,281	\$	12,755,427
2185	Sr Legal Intern	1.00	1.00	\$	56,398	\$	56,398
2205	Conf Secretary To City Atty	1.00	1.00	\$	84,872	\$	84,872
2214	Deputy Director	1.00	1.00	\$	138,902	\$	138,902
	Industrial Leave	0.00	0.00	\$	-	\$	1,322
	Overtime Budgeted	0.00	0.00	\$	-	\$	13,064
	Temporary Help	0.00	0.00	\$	-	\$	21,908
	Total	323.11	326.11			\$	23,310,403
CITY ATTORNEY TOTAL		323.11	326.11			\$	23,310,403